United Nations A/60/272

General Assembly

Distr.: General
18 August 2005

Original: English

Sixtieth session
Agenda item 73 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Protection of migrants

Report of the Secretary-General

Summary

The present report, submitted in accordance with General Assembly resolution 59/194, contains a summary of communications received from the Governments of Azerbaijan, Croatia, El Salvador, Ireland, Kazakhstan, Lebanon, Lithuania, Morocco, Mexico, the Philippines and Ukraine in response to a note verbale sent on 24 May 2005 by the Office of the United Nations High Commissioner for Human Rights.

In the report the Secretary-General welcomes the appointment of Jorge A. Bustamante as Special Rapporteur on the human rights of migrants. He also thanks Gabriela Rodríguez Pizarro, who had held the post since its creation in 1999, for her important work in establishing and developing the mandate. In his recommendations, the Secretary-General urges Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as well as the United Nations Convention against Transnational Organized Crime and the Protocols on trafficking and smuggling of migrants supplementing the Convention.

The Secretary-General also reports on the mandate of the Special Rapporteur on the human rights of migrants, her main activities and concerns. The Secretary-General encourages the new Special Rapporteur to continue working for the protection of the human rights of migrants, in particular women and children, to continue the programme of visits and to continue promoting dialogue and cooperation on the issue of migration and the protection of migrants.

* A/60/150.

05-46654 (E) 090905

Contents

		Paragraphs	*Page*
I.	Introduction	1	3
II.	Information from Governments	2–46	3
III.	Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	47	10
IV.	Activities of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants	48–52	11
V.	Conclusions and recommendations	53–63	12

I. Introd ction

1. In its resolution 59/194, the General Assembly requested the Secretary-General to submit a report to the Assembly at its sixtieth session on the implementation of the resolution. Accordingly, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on 24 May 2005, transmitted a note verbale to Governments, on behalf of the Secretary-General, requesting information for inclusion in the present report.

II. Information from Governments

2. The Governments of the following countries replied to the note verbale: Azerbaijan, Croatia, El Salvador, Ireland, Kazakhstan, Lebanon, Lithuania, Mexico, Morocco, the Philippines and Ukraine.

3. The Government of Azerbaijan reported that the Constitution of Azerbaijan provides for unimpeded entry of foreign nationals to the territory of the State, freedom to choose one's residence, as well as exercise of the other human rights and freedoms equally with the citizens of Azerbaijan. The national legislation recognizes the right of foreign nationals to work and the use of all institutes of social protection equally with the citizens. The Government also reported that on 11 December 1998, the Republic of Azerbaijan adhered to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which creates the necessary conditions for the protection of migrants' rights in accordance with international practice.

4. The Government also reported that at present, there are no obstacles in the national legislation preventing reunification of migrant workers with their families. There are no obstacles preventing the transfer of earnings of migrants to their country of origin or to any other country, and there exist appropriate conditions for such transfer. According to the legislation in force, a working migrant is exempt from paying customs duties on tools necessary for his/her work, as well as on other belongings or home appliances acquired at the migrant's expense upon entry to the State and upon leaving the State after the completion of work.

5. The Government reported that relevant structures of the Ministry of Labour and Social Protection of the Population provide for comprehensive information on the legal search for work abroad, emigration, legislation on migration in those countries, living and working conditions, as well as the consequences of illegal migration. The Republic of Azerbaijan signed a number of agreements in the sphere of migration within the framework of the Commonwealth of Independent States (CIS), as well as bilaterally with Ukraine, Turkey, Kazakhstan, Kyrgyzstan and the Republic of Moldova. This year, a state commission developed and submitted for the consideration of the Cabinet of Ministers a draft State Migration Programme aimed at the regulation of migration processes in accordance with international standards, protection of the rights and freedoms of migrants, as well as improvement of the State machinery and legislation in this sphere.

6. The Government of Croatia reported that a number of provisions of its domestic legislation protected all persons from discrimination. The Government also reported that 58 conventions of the International Labour Organization (ILO) had been ratified and the reports on their implementation are regularly submitted.

7. The Government provided details of the rights ensured by the Aliens Act in effect since 1 January 2004, which regulates the stay, movement and work of foreign nationals in the country. Non-Croatian nationals can work in the country on the basis of work or business permits. Aliens legally employed in the country enjoy the same rights as Croatian citizens, except the right to vote. Details on the procedure and conditions for applying for a work permit were provided, as well as statistics on the number of work permits granted to foreigners between 2000 and 2004.

8. The Government also reported that the Labour Act prohibits direct or indirect discrimination against job seekers and that, when an employee complains of discrimination, the burden of proof of non-discrimination rests with the employer. Finally, the Government reported on social security benefits for which foreign employees and Croatian nationals living abroad are eligible, as well as the applicable legislation.

9. The Government of El Salvador reported that its domestic legislation prohibits discrimination at different levels.

10. The Government reported on its recent ratification of international instruments including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in March 2003, and the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in December of 2003. El Salvador has also ratified, among others, the ILO Discrimination (Employment and Occupation), 1958 (Convention No. 111) and the Ministry of Labour will carry out a study with a view to promoting ratification of the Migrant Workers (Supplementary Provisions) Convention, 1975 (Convention No. 143).

11. Information was also provided regarding activities of a number of Government organs and offices in the protection of migrant workers, including initiatives taken with a view to facilitating visa procedures for foreigners and migrant workers in the country and to putting an end to arbitrary detention of migrants. The Government also reported on the draft Law on Migration and Foreigners (*Proyecto de Ley de Migración y Extranjeria*) which would take into account the provisions of the recently ratified International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. Information was provided on actions adopted and existing legislation regarding the trafficking and smuggling of persons.

13. The Government also reported on the mission, objectives and recent activities of the Vice-Ministry for External Affairs for Salvadorians Living Abroad (Viceministerio de Relaciones Exteriores para los Salvadoreños en el Exterior). Finally, information was provided regarding regional agreements for migration management.

14. The Government of Ireland referred to information submitted to the Committee on the Elimination of Racial Discrimination in its second periodic report (CERD/C/460/Add.1). In that report the Government provided information on its strategy against poverty and exclusion, which specifically sets out to address their impact upon migrants and ethnic minorities.

15. The Government reported on a range of existing initiatives to promote anti-racism and interculturalism in the education sector and to support the participation in education of non-nationals. They include: (i) the development of guidelines for teachers on how the curriculum can be adapted to reflect the emergence of a multicultural society; and (ii) funding for a support programme for teachers to enable them to develop immigrant children's English language skills and for materials and staff development for adult tutors meeting the literacy and language needs of adults.

16. Finally, the Government reported on campaigns that have been organized jointly with members of civil society against racism, and to raise awareness of the situation of migrant workers.

17. The Government of Kazakhstan reported that owing to its large territory, plentiful natural resources but low population density, the issue of population increase is a matter of the Republic's national security. The collapse of the former Soviet Union, economic decline in the 1990s and subsequent economic growth in Kazakhstan prompted active migration processes on its territory. State migration policy is based on the Constitution, the 1951 Convention relating to the Status of Refugees and the Protocol thereto of 1967 (Law of the Republic of Kazakhstan on adhesion No. 317-I of 15 December 1998) and the Law of the Republic of Kazakhstan "On migration of population" adopted on 13 December 1997. There are more than 200 documents related to the regulation of migration in the legislation of the Republic. The Government attached a list of the international treaties to which the State is a party, and of the laws and by-laws related to the issue of migration.

18. The Government also reported that the Law "On migration of population" consolidated the main principles of the Universal Declaration of Human Rights such as non-discrimination. A number of documents had been adopted on the provision and protection of migrants' rights, including the Concept of the Migration Policy of the Republic of Kazakhstan of 5 September 2000 and the Departmental Programme of the Migration Policy of the Republic of Kazakhstan for 2001-2010 of 29 October 2001. The Programme had been developed by the Agency on Migration and Demography with the support of the office of the International Organization for Migration (IOM) in Kazakhstan.

19. The Government reported that as of 1 January 2005, 646 foreign nationals had been granted refugee status and were residing in the Republic, and it has planned to adopt a specialized law on refugees next year. The status of asylum-seekers was being defined in accordance with an Instruction on Work with Persons who Applied for Refugee Status and Procedure for the Determination of Refugee Status in the Republic of Kazakhstan registered by the Ministry of Justice on 15 June 1998 (document No. 519).

20. Furthermore, the Republic of Kazakhstan is actively cooperating with CIS and other countries through bilateral and multilateral agreements in the sphere of migrants' protection.

21. According to the Government, the main focus of the immigration policy is to increase acceptance of *oralman*,* facilitation of their settlement and integration into

* Foreign nationals or stateless persons of Kazakh ethnicity permanently residing outside of the Republic of Kazakhstan at the time of its independence and arriving in the Republic of Kazakhstan with the aim of residing there permanently.

society by the adoption of legislation and economic and social programmes. The Government further provided a list of benefits to which the *oralman* are entitled, as well as a list of additional benefits and compensations for *oralman* who arrived under the immigration quota. As of 1 January 2005, 374,000 ethnic Kazakhs had returned to the Republic of Kazakhstan since independence and their number is steadily increasing, many times exceeding the Government quota for the immigration of *oralman*. Statistics provided indicated that 298,145 people had moved to the Republic of Kazakhstan and been granted citizenship and 23,335 cases were currently being considered by the Ministry of the Interior. Regarding the others, 466 *oralman* who do not want to become citizens of the Republic of Kazakhstan for different reasons, 48 per cent of the families that had arrived in the country were provided with housing and 25 per cent were self-sufficient. As of 1 January 2005, the population of the Republic of Kazakhstan had increased to 15,074,200 people.

22. The Government of Lebanon reported that Lebanon is in line with the Universal Declaration of Human Rights and therefore follows a strategy of protection for legal and illegal migrants according to following points:

(a) On 9 September 2003, the Directorate-General of General Security signed a memorandum of understanding in Beirut with the Regional Office of the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the processing of cases of asylum-seekers applying for refugees status. This memorandum provides for the repatriation of the temporary migrants to a third country within nine months of the date of the arrival in the country;

(b) On 11 March 2002, the General-Directorate of General Security, Caritas Lebanon-Migrants Centre and the International Catholic Migration Committee, signed a memorandum of understanding in Beirut in order to assist the Government to return illegal migrants to their country of origin;

(c) There is a (non-written) agreement between the Directorate-General of General Security and Caritas Lebanon to give psychological, medical and other assistance to the detainees in the holding centre of the Directorate. On 12 January 2005, a memorandum of understanding was signed between the Directorate and Caritas to establish the House of Aman, aiming at providing temporary shelter to victims of abuse (trafficking) and essential equipments;

(d) The Directorate implements effective administrative and judicial procedures to avoid any ill-treatment in any exceptional circumstances, and recognizes torture as a crime according to the Lebanese Criminal Code. Training sessions for law enforcement personnel take into consideration human rights issues, mainly combating torture in holding centres and prisons;

(e) The Directorate collaborates with different foreign embassies in Lebanon to exchange information concerning trafficking in Lebanon and abroad. Follow-up is ensured by the judicial authorities;

(f) There is ongoing cooperation with non-governmental organizations (NGOs) for training sessions in the domain of trafficking;

(g) The Directorate implements the instruments concerning migrants ratified by Lebanon;

(h) According to the new Criminal Procedure Code of 2001, police custody was reduced to 48 hours, subject to renewal only once if approved by the Prosecutor General;

(i) The Lebanese Code of 1962 deals with illegal migration issues and ways of dealing with illegal migrants.

23. The Government of Lithuania reported that the flow of migrants has increased slightly during the past 10 years and that the Republic of Lithuania is both a transit and a destination country. A number of laws have been passed and several international human rights instruments ratified in order to ensure the protection of the human rights of all persons, including migrants. The instruments ratified include the United Nations Convention against Transnational Organized Crime on 10 March 2002, and the Protocol against the Smuggling of Migrants by Land, Sea and Air on 25 March 2003, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, on 22 April 2003.

24. The Government also reported that Lithuanian legislation, in general, guarantees the equality of all persons before the law and provides persons with the opportunity to complain of discriminatory treatment. An effort is made to amend laws that do not fully comply with the obligation of non-discrimination, as was the case with the Law on State-Guaranteed Legal Aid (N° VIII-1591), which has now been reviewed.

25. The legal status of aliens is regulated by the Constitution of the Republic of Lithuania, the Law on the Legal Status of Aliens and other laws and treaties. The Law on the Legal Status of Aliens, passed in April 2004, harmonizes its provisions with the 1951 Convention relating to the Status of Refugees. The Law provides that aliens can be issued temporary or permanent visas. The Law also guarantees in its article 3 (2) the equality of aliens before the law and in its article 30 the right to family reunification in cases of aliens who have been lawfully residing in the country for at least two years.

26. Regarding the right to housing, the Government reported that non-citizens can apply for support from the State under the Law on State Support to Acquire or Rent Housing (N° IX-1188 of 12 November 2002). Aliens legally in the country also have access to health care in accordance with the Law on Health Insurance (N° I-1343 of 21 May 1996) and those who have permanent residence permits to social security services.

27. Finally, the Government provided information regarding asylum-seekers and its programme for the social integration of aliens who have been granted asylum implemented by the Ministry of Social Security; the right of aliens to work under the Labour Code and Order No. A1-179 of the Ministry of Social Security and Labour of 16 July 2004, which approved the Conditions and Order of Issue of Work Permit to Aliens; the situation of migrant children; action taken to combat trafficking in human beings, which is carried out through the Programme on the Control and Prevention of Trafficking in Humans and Prostitution, among others; and the training provided to police and border control officers which includes an analysis of laws and international law reinforcing the prohibition against racial discrimination and other forms of discrimination.

28. The Government of Mexico reported on a number of actions taken by the National Institute for Migration (INM) in support of the International Convention on

the Protection of the Rights of All Migrant Workers and Members of Their Families. Such events included: the dissemination of an information leaflet regarding the Convention among the migrant population and the public officials who collaborate with the INM; the organization of a workshop on the Convention which took place on 16 June 2004; the drafting of a first draft report to be submitted to the Committee on Migrant Workers and which has been distributed to members of civil society; the establishment of a technical working group together with the Secretariat for Foreign Affairs (Secretaría de Relaciones Exteriores) with the objective of harmonizing domestic law with the provisions of the Convention.

29. INM regularly organizes technical training courses for officials and administrative personnel working with it on the protection of the human rights of migrants and their families. During 2004, a number of awareness-raising and promotion events were organized, including training workshops on trafficking in women.

30. The Government also reported on the activities of the Beta Groups (*Grupos Beta*), created in 1990 under INM for the protection of migrants. There are now 11 such groups in the northern border region and four in the southern border region. In 2004, 3,000 migrants were rescued through these groups. Since October 2003 the Beta Groups have been undergoing a process of restructuring and new control mechanism to address complaints of violations of the rights of migrants have been set up.

31. Campaigns against the abuse of undocumented migrants have been carried out through a number of different actions in the media and the distribution of documentation. The Government also provided detailed information on action taken for the protection of women migrants and unaccompanied children.

32. INM cooperated with other governmental bodies, members of civil society, international bodies and other countries in order to provide assistance and protection to migrants. Detailed information on the strategies adopted by the Secretariat for Labor and Social Security (Secretaría del Trabajo y Previsión Social) in order to respond to migrant workers' needs was also provided.

33. The Government reported on the activities of the Secretariat of Public Security (Secretaría de Seguridad Pública), the National Commission for Human Rights (Comisión Nacional de Derechos Humanos), and the Institute for Mexicans Living Abroad of the Secretariat of External Relations (Secretaría de Relaciones Exteriores-Instituto de los Mexicanos en el Exterior).

34. Finally, the Government reported on the dialogue between Mexico and the United States of America, providing information: on meetings and discussions held between the Heads of State of the two countries; the attention given by the Government to the protection of and assistance to Mexicans living abroad; the "smart border" declaration and action plan which originated in the 2002 "Monterrey Commitments"; the 2004 Cooperation and Action Plan on Border Security; the Guide for Mexican Migrants; the 2004 Memorandum of Understanding for a Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals; the pilot programme for voluntary repatriation set up in 2004; the programme for the voluntary repatriation to the interior set up in 2005 to assist persons considered to be at risk such as the elderly, the disabled and minors; the initiative "A society for

prosperity"; action taken by the Governments of Mexico and the United States, in particular with actors from the private sector on the question of remittances.

35. The Government of Morocco reported that Morocco has ratified most of the international human rights instruments. The Government has also promulgated a new code, No. 03-02, regulating the entry of foreigners to Morocco, their residence, as well as illegal immigration. This code deals with the conditions of entry and residence and stipulates the legal procedures aimed at combating illegal immigration. Article 26 of the code forbids the expulsion of pregnant women and minors. Article 29 forbids the expulsion of any foreigner to another country where there is a risk that his/her life or liberty would be endangered or threatened or that he/she would be subjected to torture or inhuman or degrading treatment. The code requires the administrative authorities to justify the decisions to refuse entry onto Moroccan soil, and gives migrants the right to appeal those decisions (art. 22).

36. The Government also reported that in the light of these legislative mechanisms and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Morocco ratified in 1993, several control organs have been established to follow up any violation of the mentioned rights in accordance with the rule of law and the respect for migrants' dignity and rights. The Consultative Council for Human Rights and the Petition Council (Diwan Al Mazalem) were established. NGOs and activists are working and operating in the domain of human rights, in a free and open environment, to confront any violation of the law.

37. Finally, the Government reported that Morocco favours strengthening the mechanism of the International Convention as well as the Durban Declaration and Programme of Action. It has established a centre for migrants' rights to combat xenophobia and all forms of racism and intolerance and to provide all kinds of assistance and legal advice. The Hassan II Foundation works hard to assist migrants and to receive their petitions and complaints. Morocco is also organizing training sessions for judges to strengthen national protection for migrants' rights and attention to migrants' issues.

38. The Government of the Philippines reported that with over 7 million Filipino migrant workers working abroad in over 130 countries, it is very important for the country to keep track of nationals who have been arrested, detained or imprisoned. However, unless the receiving States notify consular or labour officials, this is sometimes difficult. A biannual report is submitted by the Department of Labour and Employment (DOLE) to the Congress containing information on such cases.

39. The Government further reported that the Philippines Overseas Employment Administration (POEA) has recorded cases of Filipino workers abused by immigration authorities abroad and has recommended to the Secretary of Labour and Employment the suspension of migration to countries where migrant workers are not protected and where the host Government does not exert efforts to improve the conditions of migrants.

40. The legislature has enacted Republic Act 8042 (1995), known as the Migrant Workers and Overseas Filipinos Act, and Republic Act 9208 (2003) on Trafficking in Persons.

41. The Government provided information on activities carried out in cooperation with NGOs aimed at the protection of migrants, including conducting pre-employment and pre-departure orientation seminars.

42. DOLE also carries out activities in support of families of overseas Filipino workers, including livelihood assistance for entrepreneurship, training and educational programmes. Migrants are encouraged to keep in touch with their families as often as possible.

43. Finally, the Government reports that it observes 7 June as National Migrant Workers Day.

44. The Government of Ukraine reported that article 33 of the Constitution spells out the right to liberty of movement, freedom to choose one's residence and a right to leave the territory of Ukraine. Article 26 extends rights and duties applicable to citizens of Ukraine to foreign nationals and stateless persons lawfully within the territory of Ukraine, except for those stipulated by the Constitution, laws, or international treaties to which Ukraine is a party. Foreign nationals and stateless persons can be granted asylum as established by the legislation.

45. The Government also reported that the Cabinet of Ministers approved on 20 August 2003 a Programme of Regulation of Migration Processes for 2003-2005 (document No. 1296) aimed at: (i) the finalization of legislation in the sphere of migration; (ii) the protection of the rights of persons granted refugee status in Ukraine; (iii) facilitating the repatriation of Ukranians by birth and their descendants; (iv) establishment of legal, social and economic foundations for the regulation of labour migration; (v) development of international cooperation in the sphere of migration. A Plan of Action on the facilitation of the integration of persons granted refugee status and their employment has been elaborated.

46. Finally, the Government reported that agreements on the regulation of the process of repatriation and protection of repatriates' rights were signed between Ukraine and Belarus and Turkmenistan; a similar agreement with the Russian Federation was drafted and is in the process of discussion. Ukraine has adhered to the United Nations Convention against Transnational Organized Crime and its supplementary protocols. In 2002, the Ukranian Verkhovna Rada ratified an agreement on membership in the IOM. A Law of Ukraine on the acceptance of the IOM Constitution and amendments thereto was adopted on 11 July 2002 (document No. 114-1Y).

III. Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

47. The International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families entered into force on 1 July 2003. As of 1 August 2005, 30 States had ratified the Convention: Algeria, Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Chile, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Kyrgyzstan, Libyan Arab Jamahiriya, Mali, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Syrian Arab Republic, Tajikistan, Timor-Leste, Turkey, Uganda and Uruguay. The entry into force of the Convention assists in securing a protective mechanism for the

human rights of migrants, including those in an irregular situation. All Member States that have not yet become a party to the Convention are urged to consider acceding to this instrument promptly. The 10 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Committee on Migrant Workers) monitor the compliance of States parties with the provisions of the Convention. At its second session, held in Geneva from 18 to 29 April 2005, the Committee adopted reporting guidelines for the presentation of initial reports by States parties. All States parties whose reports are due are urged to submit them to the Committee as soon as possible.

IV. Activities of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants

48. In its resolution 59/194, the General Assembly took note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (E/CN.4/2004/76 and Add.1-4) and the conclusions and recommendations contained therein, and requested the Special Rapporteur to submit to the Assembly at its sixtieth session an interim report on the fulfilment of her mandate.

49. During the period under review, from 17 to 21 January 2005 the Special Rapporteur attended a working meeting in Mexico organized by INM to review action taken by INM on the recommendations contained in the report on her visit to Mexico (E/CN.4/2003/85/Add.2). This was a follow-up to her mission to Mexico and considered by the Special Rapporteur to be an example of best practices. The Special Rapporteur also carried out an official visit to Burkina Faso, which took place from 2 to 9 February 2005. During the sixty-first session of the Commission on Human Rights, the Special Rapporteur presented reports on visits to the Islamic Republic of Iran, Italy and Peru (E/CN.4/2005/85/Add.2-4). The Special Rapporteur's main report to the Commission (E/CN.4/2005/85) contained a review of progress made in the protection of the human rights of migrants since the creation of the mandate in 1999, highlighting current and future challenges. She presented as well an addendum to the main report summarizing communications to and from Governments (E/CN.4/2005/85/Add.1).

50. Additionally, the Special Rapporteur participated in numerous meetings and events related to her mandate.

51. In the performance of her mandate, the Special Rapporteur has paid particular attention to the situation of female migrants and children, especially unaccompanied children. The Special Rapporteur also continued to maintain a dialogue with Governments on the situation of migrants.

52. In July 2005, Gabriela Rodríguez Pizarro concluded her mandate as Special Rapporteur on the human rights of migrants, which she had held since its creation in 1999. On 29 July 2005, the Chairperson of the sixty-first session of the Commission on Human Rights appointed Jorge A. Bustamante to replace her.

V. Conclusions and recommendations

53. The Secretary-General welcomes the efforts made by several Member States to report on the measures they have adopted to protect migrants and encourages those that have not done so to provide him with such information.

54. The Secretary-General takes note of the measures adopted by several countries to ensure that migrants are treated equally before the law and to protect their citizens who have migrated abroad.

55. The Secretary-General is particularly encouraged by the increasing number of bilateral, regional and international consultations on migration, including the question of the protection of migrants.

56. The Secretary-General is also encouraged by the efforts of those States that have provided extensive reports detailing how their legislation is being enforced and the measures that are being undertaken to strengthen the protection of migrants. It is recommended that in future responses States include information on good practices, as well as obstacles, with respect to the protection of migrants. The Secretary-General invites States that have not yet done so to provide information on legislative and other measures they are implementing to protect migrants.

57. The Secretary-General expresses his appreciation to Gabriela Rodríguez Pizarro for the important work she has carried out in the establishment and development of the mandate of Special Rapporteur on the human rights of migrants. During her tenure, Ms. Rodríguez carried out 11 visits to countries in all the regions of the world, looking at countries of origin, destination and transit of migration. She has played an important role in moving forward the debate on migration and human rights and in giving content to the conceptual framework of the human rights approach to migration.

58. The Secretary-General welcomes the appointment of Jorge A. Bustamante to the post of Special Rapporteur and encourages him to engage in a dialogue with Member States, to continue the work for the protection of the human rights of migrants, in particular women and children, and to continue to develop a programme of visits. The Secretary-General also encourages him to continue promoting dialogue and cooperation on the issue of migration and the protection of migrants.

59. The Secretary-General welcomes the work of the Committee on Migrant Workers, which will monitor the compliance of States parties with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and urges Member States that have not done so to adhere to this instrument. The Secretary-General encourages States to make the declarations under articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider inter-State or individual complaints. The Secretary-General urges States parties to submit their initial report on the measures taken to give effect to the provisions of the Convention.

60. The Secretary-General requests Member States that have not done so to consider ratifying the United Nations Convention against Transnational Organized Crime and its Supplementary Protocols.

61. **The Secretary-General encourages Member States to take into consideration the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) issued by the High Commissioner for Human Rights in July 2002.**

62. **The Secretary-General is encouraged by the increased dialogue and cooperation between the United Nations and other bodies and organizations in the field of migration and urges them to continue along this path. The Secretary-General encourages increased dialogue and cooperation between States.**

63. **The Secretary-General encourages States to implement their national plans of action, in particular those aspects relating to migrants, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.**